

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen
Sammons, individually and as representatives of a
class of similarly situated persons, and on behalf
of the FirstGroup America, Inc. Retirement
Savings Plan,

Plaintiffs,

v.

FirstGroup America, Inc., FirstGroup
America, Inc. Employee Benefits Committee,
and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-MWM

Judge Matthew W. McFarland

**NOTICE BY PLAINTIFFS AND AON HEWITT INVESTMENT CONSULTING, INC.
OF SETTLEMENT IN PRINCIPLE AND MOTION FOR EXTENSION OF SUMMARY
JUDGMENT BRIEFING SCHEDULE**

Brian D. Boyle (*pro hac vice*)
Shannon M. Barrett (*pro hac vice*)
Stuart M. Sarnoff (*pro hac vice*)
William D. Pollak (*pro hac vice*)
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, DC 20006
Tel: (202) 383-5300

V. Brandon McGrath (0072057)
DENTONS BINGHAM GREENEBAUM
LLP
2350 First Financial Center
255 East Fifth Street
Cincinnati, Ohio 45202-4728
Tel: (513) 455-7641

Attorneys for Aon Hewitt Investment Consulting, Inc.

Plaintiffs and Defendant Aon Hewitt Investment Consulting, Inc. hereby notify the Court that they have reached a settlement in principle, and jointly move the Court to extend the summary judgment briefing schedule for all parties by 60 days to allow the settling parties to negotiate a final agreement. Given the settlement in principle involving one of the defendants, good cause exists to modify the summary judgment briefing schedule to allow the settling parties to document their settlement and present it to the Court for fairness review. Plaintiffs and Defendant Aon Hewitt Investment Consulting, Inc. have consulted with Defendants FirstGroup America, Inc., and FirstGroup America, Inc. Employee Benefits Committee (collectively “FirstGroup”) and are authorized to report that FirstGroup does not oppose this relief.

With the requested 60-day extension in the deadline for summary judgment motions, any such motions would be due to be filed on December 13, 2022; opposition briefs would be due on January 17, 2023; and reply briefs would be due on February 14, 2023. *See* ECF No. 88.

WHEREFORE, Plaintiffs and Defendant Aon Hewitt Investment Consulting, Inc. respectfully request that this Court grant the parties a 60-day extension of the summary judgment briefing schedule.

Dated: October 12, 2022

Respectfully submitted,

NICHOLS KASTER, PLLP

/s/ Paul Lukas

Paul J. Lukas
Brock J. Specht
Matthew H. Morgan
Anna P. Prakash
Steven J. Eiden
4700 IDS Center
80 S 8th Street
Minneapolis, MN 55402
Telephone: 612-256-3200
Facsimile: 612-338-4878
lukas@nka.com
bspecht@nka.com

George M. Reul, Jr. (0069992)
FREKING MYERS & REUL LLC
600 Vine Street, Ninth Floor
Cincinnati, Ohio 45202
Telephone: 513-721-1975
Facsimile: 513-651-2570
greul@fmr.law

Attorneys for Plaintiff

O'MELVENY & MYERS LLP

/s/ Brian D. Boyle

Brian D. Boyle
Shannon M. Barrett
Deanna Rice
1625 Eye St., NW
Washington, DC 20006
Telephone: (202) 383-5300
Fax: (202) 383-5414
bboyle@omm.com
sbarrett@omm.com
derice@omm.com

Stuart M. Sarnoff
William Pollak
O'MELVENY & MYERS LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 728-5675
Fax: (212) 326-2061
ssarnoff@omm.com
wpollak@omm.com

V. Brandon McGrath (0072057)
DENTONS BINGHAM GREENEBAUM LLP
2350 First Financial Center
255 East Fifth Street
Cincinnati, Ohio 45202-4728
Telephone: 513-455-7641
Brandon.mcgrath@dentons.com

*Attorneys for Defendant Aon Hewitt Investment
Consulting, Inc. (n/k/a Aon Investments USA,
Inc.)*

CERTIFICATE OF SERVICE

I, hereby, certify that a true and correct copy of the Notice of Settlement and Joint Motion for Extension of Summary Judgment Briefing Schedule was served on all counsel of record via the Court's ECF system on October 12, 2022.

Dated: October 12, 2022

s/ William Pollak
William Pollak (*pro hac vice*)

*Attorneys for Defendant Aon Hewitt
Investment Consulting, Inc. (n/k/a Aon
Investments USA, Inc.)*